

P21156.A02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masato OHTA et al.

Group Art Unit: 1743

Serial No. : 09/893,668

Examiner: ~~Not Yet Assigned~~ *Gordon*

Filed : June 29, 2001

For : SAMPLE ASSAYING APPARATUS

*SAH*  
*# 4*  
*9-11-02*

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

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TECHNICAL MAIL ROOM

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and supplemental to the Information Disclosure Statement filed in the instant application on October 1, 2001, Applicants hereby call the following documents, which were cited in a German Office Action dated July 10, 2002 for corresponding German Application No. 101 33 857.0-52, to the Examiner's attention:

German Patent No. DE 37 36 632 A1, published on May 19, 1988, together with an English Abstract and English language patent family member U.S. Patent No. 5,096,670 to HARRIS et al., issued on March 17, 1992;

International Publication No. WO 87/06008, published on October 8, 1987;

International Publication No. WO 93/20612, published on October 14, 1993, together with an English language Abstract of the same;

P21156.A02

International Publication No. WO 93/25912, published on December 23, 1993;

International Publication No. WO 99/14368, published on March 25, 1999;

European Patent Application No. EP 0 195 088 A1, published on September 24, 1986;

and

German Patent No. DE 38 41 961 A1, published on June 21, 1990.

Applicants note that the relevance of each of the above-mentioned documents with respect to the various claims of the German application, as well as the relevant passages of these documents, is as discussed in the German Office Action, a copy of an English language translation of the same is attached hereto.


Applicants respectfully request that the Examiner consider all of the above materials and cite the same. Copies of the documents are attached and have been listed on a PTO-1449 Form which is also attached hereto. Accordingly, the Examiner is requested to initial the appropriate spaces on the PTO-1449 Form and to return the form to the Applicants with the next official communication in the present application to confirm consideration of these documents.

Applicants note that an Office Action on the merits has not yet issued in the instant application and thus consideration of the above-cited documents is appropriate.

P21156.A02

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Masato OHTA et al.

  
\_\_\_\_\_  
Bruce H. Bernstein  
Reg. No. 29,027

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September 6, 2002  
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Form PTO-1449		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. P21156		Serial No. 09/893,668							
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				Applicant Masato OHTA et al.									
				Filing Date June 29, 2001		Group 1743							
<b>U.S. PATENT DOCUMENTS</b>													
EXAMINER INITIAL		DOCUMENT NUMBER				DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE			
		5	0	9	6	6	7	0	03/17/92	HARRIS et al.			
<b>FOREIGN PATENT DOCUMENTS</b>													
		DOCUMENT NUMBER				DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO			
		3	7	3	6	6	3	2	05/19/88	GERMANY			
		8	7	0	6	0	0	8	10/8/87	W.I.P.O.			
		9	3	2	0	6	1	2	10/14/93	W.I.P.O.			
		9	3	2	5	9	1	2	12/23/93	W.I.P.O.			
		9	9	1	4	3	6	8	03/25/99	W.I.P.O.			
		0	1	9	5	0	8	8	09/24/86	EP			
		3	8	4	1	9	6	1	06/21/90	GERMANY			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>													
		1	English Language Abstract for German Appln. No. DE 37 36 632.										
EXAMINER							DATE CONSIDERED						
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.													

TRANSLATION OF  
OFFICIAL COMMUNICATION  
INTO ENGLISH

SAH  
# 4  
P 32 985

9-11-02

Issued:	July 10, 2002
File No.:	101 33 857.0-52
Applicant:	Suzuki Motor Corp.
Response due by	November 19, 2002
Our File:	P 32 985 - kk
Date:	August 02, 2002

The numbers of the following references are cited in this Office Action for the first time and will be used consecutively throughout the examination proceedings.

- (1) DE 37 36 632 A1
- (2) WO 87/06 008 A2
- (3) WO 93/25 912 A2
- (4) WO 93/20 612 A2
- (5) WO 99/14 368 A2
- (6) EP 0 195 088 A1
- (7) DE 38 41 961 A1

1. First of all it is requested to check, whether in Figure 1 the designation of the axes (x and g) was mixed up.
2. In the case of further briefs it is requested that the apparatus parts in the claims be provided with the respective reference numerals.
3. An analysis means is known from reference 1) (cf. in particular Figure 4 and the description) comprising all non-optional features of claim 1. Thus, claim 1 is not allowable due to a lack of novelty of its subject matter.
4. Regarding the structure of the embodiment of the analysis device described in the application, reference 2) comes even closer to the analysis device. It belongs to expert action to arrange an incubator in this device at a suitable position, into which

said incubator the micro test plate can be transported (cf. in this respect references 3) to 7)).

The subject matter of claim 1 can be derived by the person skilled in the art from a combination of the prior art. Thus, claim 1 is not allowable due to a lack of inventive step of its subject matter.

5. An essential part of the features of the subclaims can be derived by the person skilled in the art also from the cited prior art.
6. In the present patent application it seems to be essential that the carrier for samples, reagents and a holder 28 for a micro titer plate are arranged on the plate 27, which is movable in a first direction (Y); that the pipette 41 is movable in a second direction (X); that a vibration mechanism 80 for the holder 28 of the micro titer plate is also arranged on the plate; that an incubator 50 and a photometer 70 are arranged on the base, wherein the micro titer plate in the holder 28 is transportable in the first direction (Y) into the incubator 50 and the measuring position of the photometer 70.
7. A claim 1, which besides the original features of claim 1 also comprises said features, seems to be allowable at the moment (besides possibly necessary clarifications). The applicant is free to file such a formulated claim and a description adapted thereto in which the prior art is discussed.
8. In case of a further prosecution on the basis of the claims on file, the rejection of the application must be expected.

Examiner for Class G01N

Dr. rer. nat. Schmetzer

Encl.:

Copies of 7 references